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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re Application of	Date: April 28, 2010
STEPHEN F. GASS, DAVID S. D'ASCENZO, ANDREW L. JOHNSTON, JOEL F. JENSEN, SUNG H. KIM and ANWYL M. MCDONALD	
Serial No. : 09/929,236	Examiner Ghassem Alie
Filed : August 13, 2001	Group Art Unit 3724
For : REPLACEABLE BRAKE MECHANISM FOR POWER EQUIPMENT	

To: Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

**REPLY TO A DECISION DISMISSING A REQUEST FOR RECALCULATION
OF A PATENT TERM ADJUSTMENT IN VIEW OF WYETH**

Applicant received a decision mailed April 22, 2010 dismissing a request for recalculation of a patent term adjustment in view of *Wyeth*. The notice said the request was ineligible for one or more of seven reasons labeled A-G. However, none of those seven reasons apply, and therefore, the dismissal was improper.

None of the seven reasons apply because: A) the application is not a design or reissue application; B) the application was filed on Aug. 13, 2001, which is after May 29, 2000; C) the application is not an international application; D) the patent issued Nov. 3, 2009, which is before March 2, 2010; E) the request was filed April 14, 2010, which is within 180 days from the issue date, and there

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had not been a dismissal of a request for reconsideration; F) the request is solely limited to a *Wyeth* adjustment; and G) no civil action has been filed.

Accordingly, the dismissal of the request for recalculation was improper and the request should have been considered. Applicant requests reconsideration.

**CERTIFICATE OF
TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent Office to facsimile number: (571) 273-8300 on April 28, 2010.



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Respectfully submitted,

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